

**M**INUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD  
OCTOBER 7, 2015 at 7:00 p.m. in the Vernal City Council room, 374 East Main,  
Vernal, Utah 84078.

**PRESENT:** Councilmembers Ted Munford, Dave Everett, Samantha Scott, Bert Clark, JoAnn Cowan, and Mayor Sonja Norton.

**WELCOME:** Mayor Sonja Norton welcomed everyone to the meeting.

**UPLIFTING THOUGHT:** An uplifting thought was given by Councilmember JoAnn Cowan.

**PLEDGE OF ALLEGIANCE:** The pledge of Allegiance was led by Councilmember Dave Everett.

**APPROVAL OF MINUTES OF SEPTEMBER 2, 2015 REGULAR MEETING:**  
*Councilmember JoAnn Cowan moved to approve the minutes of September 2, 2015 with the correction of one name. Councilmember Bert Clark seconded the motion. The motion passed with Councilmembers Munford, Cowan, Everett, Scott, and Clark voting in favor for a unanimous vote.*

**RED CANYON OVERLOOK FUNDRAISING – RICHARD MILLETT:** Mayor Norton noted that Mr. Millett was not able to attend the meeting and this item would be tabled.

**REQUEST FOR APPROVAL OF COURT RECERTIFICATION – RESOLUTION NO. 2015-13:**-Ken Bassett explained that the Court Administrator's Office of the State of Utah requires that the Justice Court be recertified every four years. The recertification process requires the court to comply with specific rules, and the City Attorney must write a letter indicating his opinion if Vernal City can comply. After that review is complete, the Council reviews the resolution and requests recertification. Mr. Bassett brought the Council's attention to the recertification review completed by Judge Ray Richards which shows the court as a Class 2 court based on the number of filings. The court does meet all the requirements for this level of court, and the City Attorney agrees that the City is able to maintain the standards of a Class 2 court. Councilmember JoAnn Cowan explained to the students present that the Council chambers are where the justice court meets. She read several of the items needed, such as a flag, desk and chair, that are required to be in the room. Councilmember Clark asked if the City was required to provide a separate entrance for the judge. Ken Bassett stated that is a requirement for a Class 1 court, however, the City can meet that requirement as well. *Councilmember Bert Clark moved to approve Resolution No. 2015-13 for the justice court recertification. Councilmember Dave Everett seconded the motion. The motion passed with the following roll call vote:*

*Councilmember Munford.....aye;*  
*Councilmember Cowan.....aye;*  
*Councilmember Everett .....aye;*  
*Councilmember Scott.....aye;*  
*Councilmember Clark.....aye.*

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**REQUEST FOR APPROVAL OF ROCKY MOUNTAIN POWER RIGHT-OF-WAY AGREEMENT FOR LIGHT AT GOLF COURSE:** Mayor Norton explained that Rocky Mountain Power is asking for an easement to move the street light because Naples City is widening the road. Ken Bassett explained that this light will be close to the entrance to the golf course off 2000 East Street, and the City is the owner of the property. The light will be placed off the roadway so it is not in the way of traffic. Councilmember Cowan expressed her frustration that the utility companies are not asking for permission before doing this type of work. Ken Bassett stated he has made them aware that they must ask for the easements or right-of-ways in the future before any work is completed. Councilmember JoAnn Cowan moved to approve the right-of-way easement for Rocky Mountain Power for the street light on 2000 East. Councilmember Samantha Scott seconded the motion. The motion assed with Councilmembers Cowan, Scott, Everett, Clark and Munford voting in favor for a unanimous vote.

**REQUEST FOR APPROVAL OF LEASE AGREEMENT WITH ZIONS BANK FOR POLICE DEPARTMENT VEHICLES - RESOLUTION NO. 2015-14:** Ken Bassett reminded the Council that the City has been leasing police vehicles from Ken Garff for many years. The police fleet is split into two groups of approximately 12 vehicles. At the end of the two-year lease, Ken Garff buys back the vehicles and sells them to another police entity in Utah. The cost to replace 12 older vehicles with new vehicles will be taken out of the Equipment Fund. Zion's Bank handles the financing for Ken Garff so the lease agreement for these 12 vehicles is with the bank. Councilmember Clark asked how long it will be before the new vehicles are on the street. Keith Campbell, assistant Chief of Police, stated it will take approximately one-week to get the vehicles marked and fully equipped. Councilmember Clark stated that this lease option saves the City money in the long run. Keith Campbell stated that the police department puts 100,000 to 120,000 miles on these vehicles in that two-year span and they are under warranty so any major issues are taken care of by the dealership. Councilmember Cowan noted that even former Mayor Showalter was impressed with this option, and his conclusion was this was the best way to maintain the police fleet. *Councilmember JoAnn Cowan moved to approve Resolution No. 2015-14 approving the lease agreement with Zion's Bank to lease police vehicles. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:*

*Councilmember Munford.....aye;*  
*Councilmember Cowan.....aye;*  
*Councilmember Everett .....aye;*  
*Councilmember Scott.....aye;*  
*Councilmember Clark.....aye.*

**PUBLIC HEARING: REQUEST FOR RE-ADOPTION OF ORDINANCE NO. 2015-20 FOR REZONE FOR NICK RICHINS FOR THE PROPERTIES LOCATED AT 509 SOUTH 500 WEST AND 589 SOUTH 500 WEST, VERNAL, UTAH:** Allen Parker explained that the City received a request from Nick Richins to rezone a portion of two parcels of property from RA-1 residential to C-2 commercial. The City Council took action on this request before and approved the request. However, there was some confusion regarding the south

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property line so when notices of the public hearing were sent out to neighboring property owners, not all of the addresses within 300 feet of this property were included. Because not all the neighboring properties were notified, that public hearing did not meet the requirements of State law so this issue needs to be revisited. The Planning Commission also reconsidered this rezone request at a special meeting. Mayor Norton noted that this property is located on 500 South and 500 West. Allen Parker displayed a map of the area. The surrounding zoning shows R-2 residential to the north and RA-1 agricultural/residential to the south, and west. The general plan land use map shows this corner as commercial with low density and medium density housing out from the corner. The proposal to change this property to commercial brought up the question of spot zoning, however, even though this parcel is not contiguous to other commercial property, it is consistent with the general plan so is not considered spot zoning. At the public hearing held by the Planning Commission, there was some concern raised related to pedestrian traffic. The Planning Commission is forwarding a positive recommendation of this item. Mayor Norton asked if they are recommending a development agreement which will put restrictions on the type of development. If the developer does not adhere to those restrictions, the zoning reverts back to the previous zoning. Allen Parker answered yes, that is the recommendation of the Planning Commission especially not to allow access off 400 West Street. Mayor Norton opened the public hearing and asked that all comments or questions be directed to the City Council.

Mr. John Stearmer, resident at 625 South 400 West, stated that he did receive notification for this hearing. He explained that he works for Uintah County and understands that rezones give land owners the ability to have full value of their investment. At the same time, zoning is set up to protect neighboring properties as well. Mr. Stearmer voiced his concern that a development agreement introduces another layer that can be challenged in the future. He noted that the zoning of property is protected by a lot of case law and is considered a legislative action with a very short review period while the development agreement is more of an executive action, and is subject to longer challenges. If the agreement is struck down, the neighborhood is left with the threat of a C-2 zone with permitted uses such as dance halls, circuses, apartments, etc. Mr. Stearmer stated that a R-3 residential zone allows professional office buildings under a conditional use permit and is a legislative action rather than an executive action to move in a more gradual direction while protecting the health, safety and welfare of the community. Councilmember Munford thought Mr. Stearmer made a good point as he was not opposed to office space without allowing heavier commercial uses.

Pat Bingham, resident at 464 West 650 South, stated she is opposed to this rezone from the standpoint of safety for the children in the neighborhood. This area requires the children to walk to Discovery Elementary, and adding three to four professional office buildings will compound the traffic. The corner on 500 West and 500 South is very busy with the elementary school and the middle school nearby. Also, the recreation center is close by, and there are plans for another school next to the recreation center. Once again, Mrs. Bingham expressed her concern for the kids in this area. Councilmember Cowan asked if the City has a traffic count on that intersection. Ken Bassett stated that a traffic count was done before the 4-way stop was installed. Councilmember Munford asked if a residential development was built, what would be the estimated number of cars that would impact the roadway, and would it be more of an impact than

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an office complex. Allen Parker stated he did not have the numbers, but the staff could do that analysis. Councilmember Dave Everett asked what times the children are actually going to school. Councilmember Munford stated his kids go to school at 8 a.m., kindergarteners go around 11 a.m. and school is dismissed around 3 p.m. Mayor Norton mentioned that Uintah School District made the decision to reduce bussing of students in the Discovery Elementary area, and the City and the School employees are continually looking at ways to help students traveling to school stay safe. There is a cross walk with crossing guards by the school on 1100 South.

Councilmember JoAnn Cowan stated she read through the development agreement and did not see any specific language for the texture of the building, type of roofing, fencing or access off 400 West. She suggested the agreement add those types of items that were promised during the first presentation of this rezone request. Allen Parker stated those items can be added to the exhibits. Councilmember Cowan asked if all the items listed could be accomplished in a R-3 zone. Allen Parker stated there could not be any retail sales. Councilmember Clark asked what the height restriction is in a R-3 residential zone. Allen Parker answered 50 feet. Councilmember Everett stated the school traffic does not happen at the same time as business traffic. Allen Parker reminded the Council that the general plan shows commercial on this corner not medium density housing so an R-3 zone does not comply with the general plan.

There was some discussion regarding the safety sidewalk program. Ken Bassett noted that if this area keeps growing, a stop light may be needed. Councilmember Cowan asked what the cost would be for a stop light. Ken Bassett stated it would cost between \$200,000 to \$300,000 dollars. He explained that a traffic light has a different impact than a 4-way stop sign, and left hand turns become an issue. The major reason for a light is safety which allows multiple cars through an intersection at the same time. Councilmember Everett asked about a crossing guard on 500 West and 500 South. Ken Bassett stated that the School District would need to present a walking plan, then a traffic count would have to be completed to see if it meets State requirements for a crossing guard.

Mr. John Stearmer stated that the idea of retail sales never came up during the Planning Commission meeting. He stated he is opposed to any retail as the previous discussion focused on professional office buildings.

Mr. Nick Richins, developer, explained that his plan for this piece of property reduces the amount of units allowed. If homes were platted he could fit 20 homes on this parcel. The plan is to have larger lots on 400 West for homes that will be a buffer zone between the current subdivision and the professional office complex. All traffic for the office buildings will be from 500 West and 500 South into parking lots for doctor offices, lawyers etc. Further, Mr. Richins stated that when he approached the City with this idea, the staff directed him to request a C-2 zone to adequately allow this development. The development agreement was also drafted by the City Attorney, said Mr. Richins. As to the retail, those sales also pertain to professional offices such as a doctor that sells items through his practice. Councilmember Cowan stated there is a difference between retail sales of eye glasses and a convenience store. Councilmember Munford stated the concern is any development beyond this agreement in this C-2 zone. Mr. Richins stated he did not want to wait

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another year to redo the general plan again. Allen Parker stated he would check with the City Attorney if the provisions of the rezone can be extended beyond the current owner. Councilmember Munford asked what would happen with an R-3 residential zone. Allen Parker stated he would have to apply for a conditional use permit and the Planning Commission could only impose conditions that would mitigate impacts on the adjoining property. Mr. Richens again stated that when he started this process the City staff told him this zoning is what would facilitate this development, and it is difficult to please everyone. Councilmember Munford stated he liked the idea of a medium density residential zone. Councilmember Cowan stated the neighbors would not be happy with tri-plexes, and higher density housing would be more detrimental than an office building. She stated that she respects the concerns of the neighbors, but there has not been a zoning change without these same concerns, and it is hard to predict the future.

Veronica Stearmer, resident at 264 West 300 South, referred to the statements made by John Stearmer who asked how the R-3 and R-4 zones are different. Allen Parker stated that the R-3 zone is more restrictive allowing up to four-plexes while the R-4 zone allows multi-housing units up to 30 units or more with a conditional use permit. Mr. Stearmer again stated he is in favor of the R-3 zone.

There were no further public comments and Mayor Norton closed the public hearing. Councilmember JoAnn Cowan moved to approve Ordinance No. 2015-20 rezoning property at 509 South 500 West and 589 South 500 West to C-2 commercial zone with the approval of a development agreement. Councilmember Bert Clark seconded the motion. The motion passed with the following roll call vote:

*Councilmember Munford*.....*nay*;  
*Councilmember Cowan*.....*aye*;  
*Councilmember Everett* .....*aye*;  
*Councilmember Scott*.....*aye*;  
*Councilmember Clark*.....*aye*.

**PUBLIC HEARING: REQUEST FOR APPROVAL OF A REZONE REQUEST FROM VERNAL CITY FOR THE PROPERTY LOCATED AT 1265 WEST 500 SOUTH, VERNAL, UTAH FROM RA-1 RESIDENTIAL ZONE TO CP-2 COMMERCIAL ZONE – ORDINANCE NO. 2015-23:** Allen Parker explained that this piece of property is the back portion of the Heaton Tire lot on 500 South next to Highway 40 that the City Council noticed was not zoned commercial and requested that the property owner be approached. The land owner was not opposed to the request so Vernal City is actually acting as the applicant to rezone this small parcel from residential to commercial to eliminate an island. The Planning Commission held a public hearing and is forwarding a positive recommendation. Councilmember Clark stated he spoke with the property owner, and he did not have any concerns with this rezone. Mayor Norton opened the public hearing for this rezone request. There were no public comments, and the hearing was closed. Councilmember Ted Munford moved to approve Ordinance No. 2015-23 to rezone the property at 1265 West 500 South that is being used commercially to CP-2 commercial zone. Councilmember Dave Everett seconded the motion. The motion passed with the following roll call vote:

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*Councilmember Munford.....aye;*  
*Councilmember Cowan.....aye;*  
*Councilmember Everett .....aye;*  
*Councilmember Scott.....aye;*  
*Councilmember Clark.....aye.*

**PUBLIC HEARING: REQUEST FROM CHAMBER OF COMMERCE FOR A  
DONATION FOR ITS ONGOING OPERATION AND MAINTENANCE EXPENSES AND  
APPROVAL OF MEMORANDUM OF UNDERSTANDING:**

Ken Bassett explained that there has been discussion to help fund the Vernal Area Chamber of Commerce in conjunction with Uintah County. In order to use funds for this purpose, the City is required to hold a public hearing according to State law. The Memorandum of Understanding outlines the benefit to Vernal City for this \$50,000 contribution as shown in the required impact study. Councilmember Clark asked that the Chamber continue to try to increase membership so these funds can either be reduced or discontinued in the future. Mayor Norton noted that they have reduced the reliance on governmental funding already. Mayor Norton opened the public hearing for this contribution. Joel Brown, director of the Vernal Area Chamber of Commerce, stated that the Chamber meets with new businesses by sending the good will ambassadors and are actively working on getting more members. He thanked the City for all their help for a vibrant business community. Councilmember Munford and Scott and Mayor Norton all mentioned that they are members of the Chamber. There being no further comments, the public hearing was closed. *Councilmember Bert Clark moved to approve the Memorandum of Understanding with the Vernal Area Chamber of Commerce. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:*

*Councilmember Munford.....aye;*  
*Councilmember Cowan.....aye;*  
*Councilmember Everett .....aye;*  
*Councilmember Scott.....aye;*  
*Councilmember Clark.....aye.*

**REQUEST FOR APPROVAL OF DEVELOPMENT AGREEMENT WITH NICK  
RICHENS FOR PROPERTY LOCATED AT 509 SOUTH 500 WEST AND 589 SOUTH  
500 WEST, VERNAL, UTAH:**

Allen Parker, referring to the earlier discussion, stated that there were questions raised about the impact of this development agreement that he would need to ask the City Attorney. Councilmember Cowan asked that language be placed in the agreement for specific building materials. Allen Parker answered that the site plan that is submitted will need to indicate the type of material. Ken Bassett stated that the rezone for this property is contingent on the development agreement approval, and he encouraged the Council to identify specific issues such as the type of building materials. Another concern is not to allow an entrance to the commercial lot from 400 West. Councilmember Cowan asked if there are any plans for fencing. Nick Richens stated they has been some discussion, but there has not been any decision if it should be a fence or landscaping barriers for the two lots furthest north on 400 West. Councilmember Cowan stated she would like to see building materials, roof slope, landscaping etc. that will mesh with the neighborhood. Councilmember Dave Everett agreed, stating that the original rendition for this development was complimentary and fit the community. Councilmember Scott and Clark stated their items have been covered. Ken Bassett stated the staff will work with the developer to

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come up with a draft agreement for the next meeting. *Councilmember Ted Munford moved to table this item until the next meeting. Councilmember Samantha Scott seconded the motion. The motion passed with Councilmembers Munford, Scott, Clark, Cowan and Everett voting in favor.*

Ken Bassett encourages the property owners to also be involved in this process and let the staff know their concerns and items they would like included in the development agreement.

### **REQUEST FOR APPROVAL OF EXTENSION OF RESIDENTIAL GARBAGE CONTRACT WITH RDT:**

Ken Bassett reminded the Council that presently the residential garbage contract for the City residents is with RDT. That contract is set to expire at the end of the year. However, there is a provision to extend the contract for another two-years with the same terms. The City Treasurer, Mary Brickler, deals with any issues or concerns that come up from residents and feels that RDT has done an excellent job and is recommending the contract be extended. *Councilmember Dave Everett moved to extend the contract with RDT for two years. Councilmember Ted Munford seconded the motion. The motion passed with Councilmembers Everett, Munford, Scott, Clark and Cowan voting in favor for a unanimous vote.*

### **REQUEST FOR APPROVAL OF INTERLOCAL AGREEMENT WITH UTAH COUNTY FOR ELECTION SERVICES - RESOLUTION NO. 2015-15:**

Ken Bassett explained to the Council that this Resolution and agreement is for the purpose of having Uintah County provide election services for the upcoming municipal election. There are two other issues being considered by voters that the County has a stake in, making this a County-wide election. The cost to the City is \$5,315.22 which is considerably less than the last election. *Councilmember Ted Munford moved to approve Resolution No. 2015-15. Councilmember Samantha Scott seconded the motion. The motion passed with the following roll call vote:*

*Councilmember Munford.....aye;*  
*Councilmember Cowan.....aye;*  
*Councilmember Everett .....aye;*  
*Councilmember Scott.....aye;*  
*Councilmember Clark.....aye.*

### **REQUEST FOR APPROVAL OF AMENDMENT #4 FOR GDA ENGINEER AGREEMENT:**

Ken Bassett explained that this agreement is for the pre-design work by the engineers for the new airport terminal building. This project is eligible for FAA funding. Further, Mr. Bassett stated that the County approved an agreement with the Transportation Special Service District to manage the airport, however, there were some minor changes needed so the County will review that agreement again before it is presented to the City. After further discussion. *Councilmember Samantha Scott moved to approve Amendment #4 for the GDA engineering agreement. Councilmember Bert Clark seconded the motion. The motion passed with Scott, Clark, Everett, Cowan and Munford voting in favor for a unanimous vote.*

Ken Bassett informed the Council that the FAA is now soliciting, again, proposals from airlines for essential airline service to Vernal City and Moab. Great Lakes Airlines was awarded this

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service contract back in May, but has not been able to provide the service. Proposals are due by October 28<sup>th</sup>.

**REQUEST FOR APPOINTMENT TO MOSQUITO ABATEMENT BOARD:** Ken Bassett explained that every four years the City Council needs to appoint someone to the Mosquito Abatement Board to represent the City. The City appointed Terry Anderson to serve on this Board and he is willing to continue to serve. Mr. Bassett recommended Mr. Anderson be re-appointed. *Councilmember Bert Clark moved to reappoint Terry Anderson to the Mosquito Abatement Board. Councilmember Ted Munford seconded the motion. The motion passed with Councilmembers Clark, Munford, Cowan, Clark and Scott voting in favor.*

**FINANCIAL UPDATE:** Mike Davis, Finance Director, updated the Council on the budget. He explained that he keeps track of economic indicators to help predict revenues and compares prior years. The current sales tax figures, from February and March 2015, reflect a major drop in sales tax compared to last year. The sales tax amount has a redistribution formula for point of sale and population, while the transportation tax does not have that formula and reflects a truer drop of 32%. If the sales continue at the same rate, the City will see a loss of \$985,000 for both taxes. Councilmember Cowan asked what percentage of the budget goes toward personnel costs. Mike Davis stated that the majority of the budget, approximately 80%, is for personnel as the City is in the business of service. Ken Bassett reminded the Council of the opportunity to pass a tax which helps correct what the State Legislature passed and must be approved before April of next year. Councilmember Cowan asked what that tax would be. Ken Bassett stated it would add another 1/5<sup>th</sup> of a cent to the sales tax formula and would generate around \$1 million dollars. There was some discussion regarding the transportation tax that is on the ballot. Mayor Norton thanked Mr. Davis for the update.

### **ADMINISTRATIVE REPORT**

#### Code Enforcement:

Councilmember JoAnn Cowan thanked the code enforcement officer for her quick response to a neighbor who lost their electricity and were using a generator instead. The electricity was reinstated within two days and the noise from the generator stopped.

#### Questar:

Councilmember Dave Everett stated that Questar will be suspending their project until spring so if there are any concerns they need to be brought to their attention quickly.

#### Ruck Run:

Ken Bassett explained that Uintah Basin Applied Technology College will be hosting a ruck run to honor veterans on November 7<sup>th</sup>. The pack, called a ruck, weighs 60 pounds, similar to military training.



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**ADJOURN:** There being no further business, Councilmember Ted Munford moved to adjourn. Councilmember Dave Everett seconded the motion. The motion passed with a unanimous vote and the meeting was declared adjourned.

ATTEST:

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Roxanne Behunin, Deputy Recorder

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Mayor Sonja Norton

( S E A L )